

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 1, 1998

ALL-COUNTY INFORMATION NOTICE NO. I-42-98

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Changes
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: LEGAL RESIDENCE OF INMATES' CHILDREN

This All County Letter states the criteria for determining the county of legal residence of an infant born to a female inmate of a Federal, State or county correctional institution. It addresses the question of which county is responsible for the care, custody and control of an inmate's newborn infant if that child is determined to be a dependent of the juvenile court.

According to Welfare and Institutions Code Section 17.1, a child's county of residence is determined by the county of residence of the parent with whom the child resides. According to case law, an inmate's county of residence is the county in which he or she was residing when arrested, even if arrested elsewhere. Therefore, a child born to a female inmate shares her county of residence, regardless of where she was arrested, tried, convicted, sentenced or incarcerated. The only exception is when another person has been appointed the child's legal guardian or has the legal right to the child's custody. In those situations the child shares that person's county of residence, regardless of where the child was born.

Pregnant inmates of Valley State Prison for Women and Central California Women's Facility in Madera County often deliver at Madera Community Hospital, and inmates of the California Institution for Women in San Bernardino County often deliver at the Riverside County Regional Medical Center. Their newborn infants are residents of the county in which their mothers last lived prior to arrest, not of Riverside or Madera Counties, except when the child's legal guardian or another person with legal custody resides elsewhere.

All-County Letter No. 92-26 (copy enclosed) references a federal policy which defines the home of an infant born to an inmate as the institution in which the inmate is currently residing. However, that policy is restricted to the "home of removal" for AFDC-FC eligibility and does not pertain to residency for the purposes of this Letter.

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In summary, arrest, trial, conviction and incarceration do not change the county of residence of a person or of that person's newborn child. An inmate's newborn infant is a legal resident of the county where the inmate was residing prior to arrest, and that county is responsible for the infant's care, custody and control if the child is determined to be a dependent of the court.

For further information, please telephone West Irvin of the Placement Policy Unit at (916) 445-0813.

Sincerely,

***Original Document Signed By
Marjorie Kelly on 8/4/98***

MARJORIE KELLY
Deputy Director
Children and Family Services Division

Enclosure

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 24, 1992

ALL-COUNTY LETTER NO. 92-26

TO: ALL-COUNTY WELFARE DIRECTORS
ALL-COUNTY PROBATION OFFICERS

SUBJECT: FEDERAL AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER
CARE (AFDC-FC) PROGRAM ELIGIBILITY WHEN MOTHER IS
PATIENT OR INMATE AT TIME OF REMOVAL

The purpose of this All-County Letter (ACL) is to clarify for Counties how a child, born to a woman while she is a prison inmate or a patient in a state hospital, can be considered eligible under the Federal AFDC-FC Program.

This ACL also applies to children placed in foster care awaiting the mother's release from prison or a state hospital or when parental rights are terminated directly after birth when child is born in jail or in a state hospital.

According to Federal policy the definition of "home" for the above-mentioned children is the hospital or jail where the mother is residing and/or where the child is born and subsequently removed.

For the purposes of determining Federal AFDC-FC eligibility for these children, the following conditions must exist during the month in which the petition is filed:

- o the child is deprived of the support of an absent father (45-202.1);
- o the child is removed from the home of a parent or relative (as defined above) as the result of a court order (45-202.4);
- o the child is placed in foster care (45-202.5);
- o the child can be linked to the AFDC-FG/U Program using the "had application been made" process (45-202.3).

In addition, the child must meet all other General and Federal AFDC-FC eligibility requirements in Division 45 of the Eligibility and Assistance Standards (EAS) Manual.

If you have any questions regarding this letter or any other AFDC-FC eligibility question, please contact your Foster Care Program Consultant at (916) 445-0813.

A handwritten signature in cursive script, appearing to read "Loren D. Suter", with a long horizontal flourish extending to the right.

LOREN D. SUTER
Deputy Director
Adult & Family Services Division

cc: CWDA